



TO: Mayor and Council  
FROM: City Attorney  
DATE: March 21, 2017  
RE: Issuance of subpoenas for depositions and production of documents  
(Use Determination for 420 Riverhill Drive, Appeal No: A17-00002)

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420 Riverhill Drive is currently zoned R-3 and located in the Rivershore Estates Subdivision. This property was purchased by American Residential Investment Management, LLC on April 16, 2016 and transferred to the current owner Silver Oak Partners I, LLC on September 15, 2016. Both entities were organized by Donald Britt.

Silver Oak Partners I, LLC and William Britt have filed an appeal, to the City's Board of Appeals, of a determination letter made by the City which stated the current zoning for the property does not allow the operation of a Personal Care Home. Although Mr. Britt has repeated his contentions that the property was purchased and renovated to accommodate the needs of potential tenants requiring accessible accommodations, the City believes the true intent is the operating of a Personal Care Home as a business.

This "golden girls" model is becoming increasingly prevalent in the metro area whereby a single residence home is outfitted to accommodate a small number of tenants who desire around the clock personal care assistance. Those homes, when situated in properly zoned areas, can provide private sleeping arrangements while sharing services for personal care, housekeeping and transportation.

In this instance, questions have arisen related to the contractual relationships between the individuals residing in the residence, the service providers, and the landlord and whether these are in keeping with the permitted use based on the current zoning. The information we seek is critical to the defense the City intends to put forth, that the operation is a for profit business operating in a residentially zoned property and causing a disturbance within the neighborhood.

To fully and properly prepare for an appearance before the BOA the City Attorney will need to gather testimony under oath through depositions as well as production of documents.

The City Attorney is requesting Council, under the authority granted in the City Charter Sec. 2-20, issue subpoenas to the named individuals to appear for deposition and produce documents as directed. Said subpoenas shall bear the Mayor's name, shall be issued by the City Clerk and served in accordance with the City's Ordinance.